

REMARKS/ARGUMENTS

The present Amendment is responsive to the non-final Office Action mailed March 4, 2009 in the above-identified application. Furthermore, this response follows a telephone interview with the Examiner on April 21, 2009. The Applicant's undersigned representative thanks the Examiner for the courtesies extended to him during the interview and for the opportunity to have engaged in a thorough and professional discussion of the present application.

With reference to independent claim 40, the Examiner and the Applicant's representative discussed the Examiner's questions and her request for clarification concerning the interpretation of the terms "assess" and "detect." A further discussion was had about the term "combination," all responsive to the Examiner's inquiries and statements in the bottom paragraph at page 2 of the Office Action.

In a nutshell, the Applicant has removed the word "assess" from the claims and has retained everywhere the word "detect." The term "detect" is used at pages 3 and 4 of the Specification, for example relative to the description of "the abnormality detection means" which serves to detect a processing abnormality in the substrate processing apparatus, based on the plurality of control elements collected by the collection means.

Indeed, although the word "assess" appears in many of the pending claims, the term appears only once in the Specification, at page 4, line 5.

Regardless, it is adequately described and crystal clear in the Specification and in the claims that the abnormality detection part is configured to detect a processing abnormality. By the amendments to the claims, the issue of any lack of clarity between the terms "assess" and "detect" has been rendered moot.

As explained during the aforementioned interview, in reality it is inappropriate to interpret the term "combination" in a manner which allows, as the Examiner put it, "either interpretation." To the contrary, in the instant claims, only a combined effect of various parts of the control elements is used to determine whether an abnormality exists. A judgment is not made based on a detection of the value or level of a single or individual control elements.

As explained in the introductory pages of the instant Specification, unlike the prior art, in the present claims the abnormality detection means detects a processing abnormality, not on the basis of

the signal level or characteristic of a single parameter or if obtained from a single control element, despite that value being “out of range.” Rather, as explained for example at the bottom of page 3 of the Specification, an abnormality is based on a combination of two or more of the plurality of control elements. For example, the control elements can be the number of revolutions of a substrate, the temperature, flow rate and concentration of cleaning solution, and cleaning solution discharge time.

The Applicant’s undersigned representative is of the impression that the Examiner actually indicated appreciation for this distinction and to the assertion that detection of an abnormality in the manner defined by the instant claims is not shown in the prior art. Indeed, that is the essence of the argument presented in the prior Communication to the Patent Office.


To emphasize the point again, notwithstanding that a particular parameter, for example, temperature, may be out of range, the nature of the invention is such that it detects and declares an abnormality based only on a combination of elements. The cited prior art fails to teach or suggest the salient features of the claimed invention.

Based on the foregoing, and anticipating a readiness to find the claims to be allowable over the prior art, the Examiner requested the Applicant’s undersigned attorney to also submit with this Response a Terminal Disclaimer over the present assignee’s U.S. Patent No. 6,807,455 and such Disclaimer is accordingly enclosed herewith. Therefore, it is believed that with the present Amendment and remarks given above, the claims should now be promptly formally allowed.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

Respectfully submitted,

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